

REMARKS/ARGUMENTS

Claims 1-49 are pending in the present application. The Office Action mailed November 21, 2007 rejected claims 1-5, 7, 9, 10, 15-25, 27, 29, 30, 35-43 and 47-49 under 35 U.S.C. § 102(b) and rejected claims 6, 8, 11-14, 26, 28, 31-34 and 44-46 under 35 U.S.C. § 103(a). Reconsideration is respectfully requested in view of the above amendments to the claims and the following remarks.

A. Claims 1-5, 7, 9, 10, 15-25, 27, 29, 30, 35-43 and 47-49 Rejected Under 35 U.S.C. § 102(b)

Claims 1-5, 7, 9, 10, 15-25, 27, 29, 30, 35-43 and 47-49 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0075572 to Boreczky et al. (hereinafter, "Boreczky"). Applicant respectfully traverses.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131 (citing Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the ... claim." Id. (citing Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, "the reference must be enabling and describe the applicant's claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention." In re Paulsen, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Claim 1, as amended above, recites:

In a client system, a method for enhancing navigation of a video, comprising:
receiving the video as it is streamed from a server over a computer network;
receiving a first user request to display a first navigation video strip on a display device, wherein the first navigation video strip comprises a first plurality of video frames from the video;
in response to the first user request, obtaining first instructions for displaying the first navigation video strip;
obtaining the first plurality of video frames by requesting the specific video frames from the server; and

displaying the first navigation video strip on the display device in accordance with the first instructions.

Support for the above amendments to claim 1 may be found in paragraphs [49]-[50] of Applicant's specification. Applicant respectfully submits that Boreczky does not disclose the subject matter of claim 1.

For example, Applicant respectfully submits that Boreczky does not disclose "obtaining the first plurality of video frames by requesting the specific video frames from a video stream server," as recited in claim 1.

Boreczky states: "With just a single video stream and no means to access the video file, it is not possible to determine segments after the current playback position. The second streaming connection to the server that points to a later point in the video than the current playback position. As discussed above, the second connection is used both for the video indexing and the extraction of keyframes to be displayed." Boreczky, paragraph [0024]. This does not disclose the claimed subject matter at issue. Although Boreczky refers to "keyframes to be displayed," Boreczky does not indicate that the "keyframes" are "obtain[ed] ... by requesting the specific video frames from the server," as recited in claim 1. Instead, Boreczky indicates that the "keyframes" are obtained by opening a "second streaming connection to the server" and then "extract[ing] [the] keyframes to be displayed" from this "second streaming connection." Boreczky does not say anything about "requesting ... specific video frames from the server," as recited in claim 1.

Boreczky also states: "A system is provided where a number of representative video snapshots are displayed on a timeline.... The video snapshots are obtained by opening a low resolution connection to a video server to receive forward looking video segments. The ... representative video snapshots are selected and displayed to provide a reference frame for the user to select a timeline position, or snapshots directly linked to positions in the higher resolution video." Boreczky, abstract. This does not disclose the claimed subject matter at issue. Although Boreczky indicates that "video snapshots are displayed on a timeline," Boreczky does not disclose that the "video snapshots" are "obtain[ed] ... by requesting the specific video frames from the server," as

recited in claim 1. Instead, Boreczky indicates that the “video snapshots” are obtained by “opening a low resolution connection to a video server to receive forward looking video segments,” and then “select[ing]” the “representative video snapshots” from the “forward looking video segments.” Boreczky does not say anything about “requesting ... specific video frames from the server,” as recited in claim 1.

Boreczky also states: “[T]he present invention provides a low resolution connection to a device that is providing a data stream to a user. The low resolution connection provides look ahead data which is used to capture snapshots and determine indexes into the data stream being provided,” Boreczky, paragraph [0009]. This does not disclose the claimed subject matter at issue. Although Boreczky refers to “snapshots,” Boreczky does not indicate that the “snapshots” are “obtain[ed] ... by requesting the specific video frames from the server,” as recited in claim 1. Instead, Boreczky indicates that the “snapshots” are obtained by opening “a low resolution connection to a device that is providing a data stream to a user,” obtaining “look ahead data” from the “low resolution connection,” and then using the “look ahead data ... to capture snapshots.” Boreczky does not say anything about “requesting ... specific video frames from the server,” as recited in claim 1.

In view of the foregoing, Applicant respectfully submits that claim 1 is allowable. Accordingly, Applicant respectfully requests that the rejection of claim 1 be withdrawn.

Claims 2-5, 7, 9, 10, and 15-17 depend from claim 1. Claim 21 has been amended to include subject matter that is similar to the subject matter that was discussed above in relation to claim 1. Claims 22-25, 27, 29, 30, and 35-37 depend from claim 21. Accordingly, Applicant respectfully requests that the rejection of claims 2-5, 7, 9, 10, 15-17, 21-25, 27, 29, 30, and 35-37 be withdrawn for at least the same reasons as those presented above in relation to claim 1.

In addition, Applicant presents the following additional reasons why claims 16 and 36 are allowable.

Claim 16 depends from claim 15, which recites “receiving a user selection of an option concerning how the video is managed while the first navigation video strip is displayed.” Claim 16 recites “wherein the option is selected from the group consisting of scaling the video, cropping the

video, and alpha-blending the video with the first navigation video strip.” Applicant respectfully submits that Boreczky does not disclose this claimed subject matter.

The Examiner acknowledges that “Boreczky et al. does not explicitly teach the claimed ‘scaling, cropping and/or alpha-blending’.” Office Action, page 5. Accordingly, Applicant respectfully submits that the rejection under 35 U.S.C. § 102(b) is improper. As indicated above, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP § 2131 (citing Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) (emphasis added). The Examiner has acknowledged that this requirement has not been met. Accordingly, the rejection is improper.

The Examiner asserts that “it would have been clearly obvious ... to use functions such as ‘scaling, cropping, and/or alpha-blending’ with the video being played and the ‘first navigation strip’.” Office Action, page 5. Although it appears that the Examiner may be implicitly asserting that claim 16 is unpatentable under 35 U.S.C. § 103(a), Applicant respectfully submits that the Examiner has not met his burden of establishing a *prima facie* case of obviousness. “[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” KSR Int’l Co. v. Teleflex Inc., 550 U.S. ___, 2007 U.S. LEXIS 4745, at **37 (2007) (citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)). In the present case, the Examiner has merely asserted that the claimed subject matter is obvious, without providing any “articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” Accordingly, the rejection is improper.

In view of the foregoing, Applicant respectfully submits that claim 16 is allowable. Accordingly, Applicant respectfully requests that the rejection of claim 16 be withdrawn.

Claim 36 includes subject matter that is similar to the subject matter that was discussed above in relation to claim 6. Accordingly, Applicant respectfully requests that the rejection of claim 36 be withdrawn for at least the same reasons as those presented above in relation to claim 6.

Claim 18, as amended above, recites:

In a server system, a method for enhancing navigation of a video, comprising:
streaming the video to a client over a computer network;
receiving a first client request to generate first instructions for displaying a first navigation video strip on a display device, wherein the first navigation video strip comprises a first plurality of video frames from the video;
generating the first instructions; and
providing the first plurality of video frames to the client by receiving and responding to requests for the specific video frames from the client.

Support for the above amendments to claim 18 may be found in paragraphs [49]-[50] of Applicant's specification. Applicant respectfully submits that Boreczky does not disclose the subject matter of claim 18.

For example, Applicant respectfully submits that Boreczky does not disclose "providing the first plurality of video frames to the client by receiving and responding to requests for the specific video frames from the client," as recited in claim 18. As discussed above, although Boreczky refers to "keyframes to be displayed," Boreczky does not indicate that a "server" provides the "keyframes" by "receiving and responding to requests for the specific video frames from the client," as recited in claim 18. Instead, Boreczky indicates that the "keyframes" are obtained by a client opening a "second streaming connection to the server" and then "extract[ing] [the] keyframes to be displayed" from this "second streaming connection." Boreczky, paragraph [0024]. Boreczky does not say anything about a "server ... receiving and responding to requests for the specific video frames from the client," as recited in claim 18. Accordingly, Applicant respectfully submits that claim 18 is allowable, and requests that the rejection of claim 18 be withdrawn.

Claims 19-20 depend from claim 18. Claim 38 has been amended to include subject matter that is similar to the subject matter that was discussed above in relation to claim 18. Claims 39-40 depend from claim 38. Accordingly, Applicant respectfully requests that the rejection of claims 19-20 and 38-40 be withdrawn for at least the same reasons as those presented above in relation to claim 18.

Claim 41, as amended above, recites:

A computer-readable medium comprising executable instructions for:
receiving a request to generate video strip instructions for displaying a navigation video strip that comprises a plurality of video frames from a video that is being streamed from a server to a client over a computer network, wherein the video frames that are included in the navigation video strip are independent of a current playback position of the video; and
in response to the request, generating the video strip instructions while the video is being streamed from the server to the client.

Support for the above amendments to claim 41 may be found in paragraph [42] of Applicant's specification and Figure 2 of Applicant's drawings. Applicant respectfully submits that Boreczky does not disclose the subject matter of claim 41.

For example, Applicant respectfully submits that Boreczky does not disclose "wherein the video frames that are included in the navigation video strip are independent of a current playback position of the video," as recited in claim 41.

Boreczky states: "Snap images 1440, 1445, 1450, and 1460 represent images at respective timeframes in the video being played back and, in accordance with one embodiment of the present invention, are associated only with frames in a close proximity to the current playback position 425." Boreczky, paragraph [0030]. This does not disclose the claimed subject matter at issue. Boreczky indicates that the "[s]nap images" are "associated only with frames in a close proximity to the current playback position." Thus, the "[s]nap images" are not "independent of a current playback position of the video," as recited in claim 41.

Boreczky also states: "In one embodiment, the reference snaps are updated at predetermined intervals that keep pace with a general speed of playback of the video." Boreczky, paragraph [0031]. This does not disclose the claimed subject matter at issue. Boreczky indicates that the "general speed of playback of the video" affects how "the reference snaps are updated." Thus, the "reference snaps" are not "independent of a current playback position of the video," as recited in claim 41.

Boreczky also states: "In an alternative embodiment, each of the snaps are updated in real time and/or continuously such that any one of the snaps 1440-1460 are replaced, with other

keyframes at any time the other keyframes becomes more relevant and occur within a close proximity to the current playback position.” Boreczky, paragraph [0031]. This does not disclose the claimed subject matter at issue. Boreczky indicates that “the proximity to the current playback position” affects how “the snaps are updated.” Thus, the “snaps” in Boreczky are not “independent of a current playback position of the video,” as recited in claim 41.

Boreczky also states: “In yet another alternative, the low resolution connection(s) are utilized to continuously feed playback positions at predetermined intervals forward and reverse of the current playback position, and the snaps are low resolution moving snaps near the current video playback position.” Boreczky, paragraph [0031]. This does not disclose the claimed subject matter at issue. Boreczky indicates that “the snaps are ... near the current video playback position.” Thus, the “snaps” in Boreczky are not “independent of a current playback position of the video,” as recited in claim 41.

In view of the foregoing, Applicant respectfully submits that claim 41 is allowable. Accordingly, Applicant respectfully requests that the rejection of claim 41 be withdrawn.

Claims 42-43 and 47-49 depend from claim 41. Accordingly, Applicant respectfully requests that the rejection of claims 42-43 and 47-49 be withdrawn for at least the same reasons as those presented above in relation to claim 41.

B. Claims 6 and 26 Rejected Under 35 U.S.C. § 103(a)

Claims 6 and 26 stand rejected under 35 U.S.C. § 103(a) based on Boreczky in view of U.S. Patent Application Publication No. 2002/0140719 to Amir *et al.* (hereinafter, “Amir”). Applicant respectfully traverses.

Claim 6 depends from claim 1. Claim 26 depends from claim 21, which includes subject matter that is similar to the subject matter that was discussed above in relation to claim 1. Accordingly, Applicant respectfully requests that the rejection of claims 6 and 26 be withdrawn for at least the same reasons as those presented above in relation to claim 1.

C. Claims 8 and 28 Rejected Under 35 U.S.C. § 103(a)

Claims 8 and 28 stand rejected under 35 U.S.C. § 103(a) based on Boreczky in view of U.S. Patent Application Publication No. 2002/0144276 to Radford *et al.* (hereinafter, “Radford.”). Applicant respectfully traverses.

Claim 8 depends from claim 1. Claim 28 depends from claim 21, which includes subject matter that is similar to the subject matter that was discussed above in relation to claim 1. Accordingly, Applicant respectfully requests that the rejection of claims 8 and 28 be withdrawn for at least the same reasons as those presented above in relation to claim 1.

In addition, Applicant presents the following additional reasons why claims 8 and 28 are allowable. Claims 8 and 28, as amended above, recite “wherein the first plurality of video frames are retrieved from the server in accordance with the Real Time Streaming Protocol (RTSP), and wherein requesting the specific video frames from the server comprises sending a separate RTSP PLAY request for each of the video frames.” Support for the amendments to claims 8 and 28 may be found in paragraph [50] of Applicant’s specification. Applicant respectfully submits that the cited references do not teach or suggest this claimed subject matter.

The Examiner correctly acknowledges that Boreczky does not teach or suggest this claimed subject matter. See Office Action, page 8.

Applicant respectfully submits that Radford also does not teach or suggest this claimed subject matter. Radford states: “Prior to streaming data content to the client device, the available network protocols on the client device can be determined. ..., Suitable file transfer protocols include Real-Time Streaming Protocol (RTSP),...” Radford, paragraph [0026]. Although Radford refers to the “Real-Time Streaming Protocol (RTSP),” Radford does not teach or suggest “wherein requesting the specific video frames from the server comprises sending a separate RTSP PLAY request for each of the video frames,” as recited in claims 8 and 28.

In view of the foregoing, Applicant respectfully submits that claims 8 and 28 are allowable. Accordingly, Applicant respectfully requests that the rejection of claims 8 and 28 be withdrawn.

D. Claims 11-14, 31-34 and 44-46 Rejected Under 35 U.S.C. § 103(a)

Claims 11-14, 31-34 and 44-46 stand rejected under 35 U.S.C. § 103(a) based on Boreczky in view of U.S. Patent No. 6,747,674 to Asami (hereinafter, "Asami"). Applicant respectfully traverses.

Claims 11-14 depend from claim 1. Claims 31-34 depend from claim 21, which includes subject matter that is similar to the subject matter that was discussed above in relation to claim 1. Accordingly, Applicant respectfully requests that the rejection of claims 11-14 and 31-34 be withdrawn for at least the same reasons as those presented above in relation to claim 1.

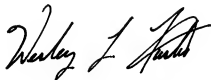
Claims 44-46 depend from claim 41. Accordingly, Applicant respectfully requests that the rejection of claims 44-46 be withdrawn for at least the same reasons as those presented above in relation to claim 41.

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E. Conclusion

Applicant respectfully asserts that all pending claims are allowable over the cited references, and requests that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Wesley L. Austin', with a stylized flourish at the end.

/Wesley L. Austin/

Wesley L. Austin
Reg. No. 42,273
Attorney for Applicant

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MADSON & AUSTIN
15 West South Temple, Suite 900
Salt Lake City, Utah 84101
Telephone: (801) 537-1700